IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 9193 of 2005

Between:

Smt. B.A. Suhasini W/o Bhaskar
R/o Panagal, Srikalahasti Chittoor District

..... PETITIONER

AND

1 The Revenue Divisional Officer, Tirupati, Chittoor District
2 The Mandal Revenue Officer, Srikalahasti, Chittoor District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in continuing the suspension of the petitioner's FP Shop dealer ship relating to shop No. 27 srikalahasthi, Chittoor District through the proceedings of 1st Respondent in Roc. C/1243/04, dated 25-08-2004 beyond 7 months as illegal, arbitrary and violative of Articles 21 of the Constitution of India and consequently direct the Respondents to restore the petitioner's F.P. Shop Authorization relating to shop No. 27 Srikalahasthi, Chittoor District pending main enquiry and pass such other or further orders under the circumstances of the case

Counsel for the Petitioner: MR.G.RAMESH BABU

Counsel for the Respondent No.: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following :

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ORAL ORDER:

Heard both sides.

In this Writ Petition, the petitioner is seeking a writ of Mandamus, declaring the action of the respondents in continuing the suspension of the petitioner's Fir Price Shop Dealership relating to Shop No. 27 Srikalahasthi, Chittoor District through the proceedings of the first respondent in Roc.C/1243/04, dated 25.8.2004 beyond 7 months as illegal, arbitrary and consequently direct the respondents to restore the petitioner's Fair Price Shop Authorization relating to Shop No. 27, Srikalahasthi, Chittoor District.

The brief facts of the case are that the petitioner belongs to S.C. Community appointed as Fair Price Shop Dealer for Shop No. 27, Sri Kalahasti, Chittoor by the first respondent after following the due procedure, through proceedings in Rc.No. C/4946/96 dated 3.2.1997. Since then, the petitioner has been discharging the duties as Fair Price Shop Dealer. While so, the first respondent through proceedings dated 25.8.2004 issued show cause notice and the same was received by the petitioner on 4.9.2004. The petitioner sent a detailed explanation on 8.9.2004 and the first respondent vide proceedings Roc.C/1243/04 dated 25.8.2004 suspended the authorization of the petitioner pending enquiry. Aggrieved by the same, the present writ petition has been filed.

The learned counsel appearing for the petitioner submits that suspension of authorization pending enquiry i.e., more than seven months is arbitrary, illegal and the petitioner sent his representation seven months back but the first respondent has

neither considered his explanation nor concluded the enquiry.

It is brought to the notice of this court that a judgment of the bench reported in R. SANKAR NAIK VS. R. CHOWLA NAIK AND OTHERS, wherein, a division bench of this court by setting aside the judgment of the single Judge held that suspension of an order of suspension of authorization made pending enquiry cannot be made and dealer cannot be permitted to function as dealer on the mere ground that 90 days elapsed after passing order of suspension and what is reasonable period of suspension varies form case to case.

Following the said judgment and having regard to the facts and circumstances of the case, I deem it appropriate to direct the authorities concerned to complete the enquiry.

Accordingly, the Writ Petition is disposed of directing the respondents to complete the enquiry, if not already completed, by the end of May 2005 and pass appropriate orders in accordance with law. No order as to costs.

ELIPE DHARMA RAO,J

DATED: 25.04.2005

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To

1 The Revenue Divisional Officer, Tirupati, Chittoor District
2 The Mandal Revenue Officer, Srikalahasti, Chittoor District

3. Two CCs to G.P. for Civil Supplies, High Court of A.P., Hyderabad (OUT)

4. Two CD copies.